RE: URGENT: FORMAL DSA NOTICE OF ILLEGAL CONTENT & ARTICLE 5 VIOLATION - Google Gemini (Ref: CAS-05185) To the Digital Services Coordinator (Coimisiún na Meán) CRM:0155744

2 messages

User Support <UserSupport@cnam.ie> Mon, Nov 24, 2025 at 5:57 AM
To: Barrett KGK Maioho <bmaioho@gmail.com>

Dear
Barrett,

Many
thanks for your email.

Could
you confirm the country you are
located in
which will allow us to assess the next steps.

Please
note:
Coimisiún
na
Meán
does not have powers to compel the rapid removal of illegal or harmful content from online platforms. We also do not offer an appeals mechanism for users who have complained to the online platforms and are not satisfied with the decision. Our role is to make
sure that the platforms' content reporting systems are working effectively in compliance with the Online Safety Framework.

Privacy
notice:
We may use the information provided by you to perform our functions and comply with our legal obligations. This will include sharing information provided with the Service Provider the subject of the complaint, as part of the complaints process. We may also
share your information, where permitted by law, to other relevant regulatory bodies including the European Commission. Any information shared will be subject to our privacy policy. For detailed information on our privacy policy, please read our privacy statement
on complaints handling, supervision and enforcement (Available here: Privacy Statement - Coimisiún na Meán).

Please
note
your case number for future correspondence is CAS-05185.

Kind
regards,

User Support Team
Foireann Tacaíochta Úsáideoirí

T: +353 (0)1 963 7755 | usersupport@cnam.ie

Coimisiún
na Meán
1 Áras Shíol Bhroinn, Bóthar Shíol Bhroinn,
Baile Átha Cliath 4, D04 NP20, Éire.
1 Shelbourne Buildings, Shelbourne Road,
Dublin 4, D04 NP20, Ireland.

www.cnam.ie

Tá an ríomhphost seo agus aon iatán a ghabhann leis rúnda agus is leis an duine sin amháin a bhfuil siad seolta chuige/chuici a bhaineann siad. Muna duitse an ríomhphost seo, ní ceart é a léamh ná a scaoileadh chuig aon tríú páirtí. Iarrtar ort teachtaireacht a sheoladh chuig an seoltóir nó chuig info@cnam.ie, agus an ríomhphost seo a scrios.

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Déan machnamh ar an timpeallacht, le do thoil, roimh an ríomhphost seo a phriontáil.
Please consider the environment before printing this email.

---------- Original Message ----------
From: Barrett KGK Maioho <bmaioho@gmail.com>;
Received: Sat Nov 22 2025 16:03:15 GMT+0000 (Greenwich Mean Time)
To: UserSupport@CnaM.ie <usersupport@cnam.ie>;
Cc: CNECT-AIOFFICE@ec.europa.eu; comp-market-information@ec.europa.eu;
Subject: URGENT: FORMAL DSA NOTICE OF ILLEGAL CONTENT & ARTICLE 5 VIOLATION - Google Gemini (Ref: CAS-05185) To the Digital Services Coordinator (Coimisiún na Meán)

To Whom it may concern,

I am writing in response to your correspondence regarding Case CAS-05185. While I note your position regarding the phased implementation of the EU AI Act, I must respectfully remind you that your obligations as Ireland's designated Digital Services Coordinator under the Digital Services Act (DSA) have been fully active since February 17, 2024.
I am hereby formally notifying you of Illegal Content generated by a Very Large Online Platform (Google Gemini). This submission provides forensic evidence that Google released a product known to be unsafe, directly contradicting their public safety declarations.

⚠️ WARNING: GRAPHIC FORENSIC EVIDENCE ATTACHED ⚠️

PLEASE READ BEFORE OPENING ATTACHMENTS

The attached file CSAM Geminis Egregious generation Jun192025 (1).pdf contains explicit, graphic textual depictions of Child Sexual Abuse Material (CSAM) and extreme violence generated by the Google Gemini system.

DISCLAIMER & LEGAL CONTEXT:
This material is submitted strictly for the purpose of good-faith reporting of illegal content to a competent authority under the Digital Services Act (Articles 16 & 34) and Directive 2011/93/EU. This evidence was generated during a security audit to document a critical vulnerability and is provided solely to facilitate your mandatory market surveillance and enforcement duties. Access this file only in a secure environment suitable for reviewing criminal evidence.

1. EVIDENCE OF NEGLIGENT RELEASE: The "Safety Theater" Timeline
The forensic evidence attached serves as proof that Google's safety protocols were non-functional at the time of the model's global release. This contradicts specific public assurances made by Google in the days leading up to the incident.
 * The Claim (June 12, 2025): Five days prior to the model's release, the Google Online Security Blog published "Mitigating prompt injection attacks with a layered defense strategy." In this statement, Google explicitly claimed to have deployed "Prompt injection content classifiers" capable of detecting and filtering "harmful data containing malicious instructions" to ensure a "secure end-to-end user experience".
 * The Release (June 17, 2025): Google announced the General Availability (GA) of Gemini 2.5 Flash, describing it as a stable release suitable for broad public use.
 * The Failure (June 19, 2025): Less than 48 hours after the "stable" release, the attached logs document the Gemini 2.5 Flash model generating graphic CSAM and extreme violence in response to a prompt injection vector.
Conclusion: The proximity of the CSAM generation (June 19) to the public release (June 17) and the safety announcement (June 12) demonstrates that the "Prompt injection content classifiers" marketed to the public were either non-functional or negligently implemented at launch.

2. DIRECT VIOLATION OF STATED POLICIES
Google's own Gemini 2.5 Flash Model Card and API documentation state that the system includes "built-in protections against core harms, such as content that endangers child safety" and that "These types of harm are always blocked and cannot be adjusted".
The attached evidence proves this claim is materially false. The content was not blocked; it was generated in graphic detail. This constitutes a systemic risk under Article 34 of the DSA and a potential Unfair Commercial

Practice due to misleading safety claims.

3. EVIDENCE OF SYSTEMIC MALFEASANCE (Attached)
I am also submitting evidence that Google engaged in "Silent Patching" to conceal these vulnerabilities while dismissing reports as "Intended Behavior."
* Corroboration: The Register (May 8, 2025) confirmed Google pushed silent updates that altered model behavior without disclosure.
* Retaliation: Documentation of my retaliatory termination from the Google VRP for reporting these exact safety failures.

4. FORMAL DEMAND FOR ACTION
I formally request that you exercise your powers under the DSA to:
* Investigate this verified report of illegal content (CSAM) generation.
* Issue a Compliance Notice to Google requiring transparency regarding the failure of their "Prompt Injection Classifiers" reported on June 12, 2025.
* Confirm whether you are refusing to enforce the active Article 5 ban on Prohibited AI Practices given this evidence of material distortion and harm.

Failure to act on verified evidence of CSAM generation under your existing DSA powers will be construed as administrative maladministration. I am prepared to escalate this inaction to the European Ombudsman and Europol.
Respectfully,
Barrett KGK Maioho
808-272-0266
Independent Security Researcher

ATTACHMENTS (The Evidence)
* The Crime: CSAM Geminis Egregious generation Jun192025 (1).pdf (Forensic proof of the CSAM generation).
* The Cover-Up: The Register silent patching corroboration (2).PDF (Proof of "Silent Patching" and bad faith).
* The Motive: VRP RETALIATORY TERMINATION CONFIRMATION (1).PDF (Proof of retaliation to silence the witness).

Chuig an gComhordaitheoir Seirbhísí Digiteacha (Coimisiún na Meán),
Scríobhaim chugat mar fhreagra ar do chomhfhreagras maidir le Cás CAS-05185. Cé go dtugaim faoi deara bhur seasamh maidir le cur chun feidhme céimnithe an Ghnímh um Intleacht Shaorga an AE (EU AI Act), ní mór dom a mheabhrú daoibh go bhfuil bhur n-oibleagáidí mar Chomhordaitheoir Seirbhísí Digiteacha ainmnithe na hÉireann faoin nGníomh um Sheirbhísí Digiteacha (DSA) i bhfeidhm go hiomlán ón 17 Feabhra 2024.
Tugaim fógra foirmiúil daoibh leis seo faoi Ábhar Neamhdhleathach a ghineann Ardigán ar Líne (Google Gemini). Soláthraíonn an t-aighneacht seo fianaise fhóiréinseach gur scaoil Google táirge amach a raibh a fhios acu go raibh sé neamhshábháilte, rud a thagann salach go díreach ar a ndearbhuithe sábháilteachta poiblí.
⚠️ RABHADH: FIANAISE FHÓIRÉINSEACH GHRAFAIC AG GABHÁIL LEIS ⚠️
LÉIGH AN MÉID SEO A LEANAS SULA NOSCLÓIDH TÚ NA HIATÁIN
Tá tuairiscí téacsúla grafacha, follasacha ar Ábhar Mí-Úsáide Gnéasaí Leanaí (CSAM) agus ar fhoréigean antoisceach, a ghineann córas Google Gemini, san iatán CSAM Geminis Egregious generation Jun192025 (1).pdf.
SÉANADH & COMHTHÉACS DLÍTHIÚIL:
Cuirtear an t-ábhar seo faoi bhráid go docht chun críche tuairiscithe de mheon macánta ar ábhar neamhdhleathach chuig údarás inniúil faoin nGníomh um Sheirbhísí Digiteacha (Airteagail 16 & 34) agus Treoir 2011/93/AE. Gineadh an fhianaise seo le linn iniúchta slándála chun leochaileacht chriticiúil a dhoiciméadú agus soláthraítear í chun bhur ndualgais éigeantacha maidir le faireachas margaidh agus forfheidhmiú a éascú amháin. Ná hoscail an comhad seo ach i dtimpeallacht shlán atá oiriúnach chun athbhreithniú a dhéanamh ar fhianaise choiriúil.
1. FIANAISE AR SCAOILEADH FAILLÍOCH: Amlíne na "Sábháilteachta Bréige"

Feidhmíonn an fhianaise fhóiréinseach atá faoi iamh mar chruthúnas go raibh prótacail sábháilteachta Google neamhfheidhmiúil tráth scaoilte domhanda an mhúnla. Tagann sé seo salach go díreach ar dhearbhuithe poiblí ar leith a rinne Google sna laethanta roimh an eachtra.
An Maíomh (12 Meitheamh 2025): Cúig lá sular scaoileadh an múnla, d'fhoilsigh Blag Slándála Ar Líne Google "Mitigating prompt injection attacks with a layered defense strategy." Sa ráiteas seo, mhaígh Google go sainráite go raibh "Aicmitheoirí inneachair insteallta leid" imlonnaithe acu a bhí in ann "sonraí díobhálacha ina bhfuil treoracha mailíseacha" a bhrath agus a scagadh chun "eispéireas úsáideora slán ceann go ceann" a chinntiú [tag: 3.4].
An Scaoileadh (17 Meitheamh 2025): D'fhógair Google Infhaighteacht Ghinearálta (GA) do Gemini 2.5 Flash, ag cur síos air mar eisiúint chobhsaí atá oiriúnach d'úsáid phoiblí leathan [tag: 1.3].
An Teip (19 Meitheamh 2025): Níos lú ná 48 uair an chloig tar éis na heisiúna "cobhsaí", déanann na logaí atá faoi iamh doiciméadú ar mhúnla Gemini 2.5 Flash ag giniúint CSAM grafach agus foréigean antoisceach mar fhreagra ar veicteoir insteallta leid.
Conclúid: Léiríonn an ghaireacht idir giniúint an CSAM (19 Meitheamh) agus an scaoileadh poiblí (17 Meitheamh) agus an fógra sábháilteachta (12 Meitheamh) go raibh na "hAicmitheoirí inneachair insteallta leid" a cuireadh ar an margadh don phobal neamhfheidhmiúil nó curtha i bhfeidhm go faillíoch ag an seoladh.
2. SÁRÚ DÍREACH AR PHOLAITHE SAINRÁITE
Luann Cárta Múnla Gemini 2.5 Flash Google féin agus doiciméadú API go n-áirítear sa chóras "cosaintí ionsuite i gcoinne croí-dhíobhálacha, amhail ábhar a chuireann sábháilteacht leanaí i mbaol" agus go bhfuil "Na cineálacha díobhála seo bactha i gcónaí agus ní féidir iad a choigeartú" [tag: 4.2, 4.3].
Cruthaíonn an fhianaise atá faoi iamh go bhfuil an maíomh seo bréagach ó thaobh ábhair de. Níor bacadh an t-ábhar; gineadh é go mion grafach. Is ionann é seo agus riosca sistéamach faoi Airteagal 34 den DSA agus Cleachtas Tráchtála Éagórach féideartha mar gheall ar mhaímh sábháilteachta míthreoracha.
3. FIANAISE AR MHÍ-IOMPAR SISTÉAMACH (Faoi Iamh)
Táim ag cur isteach fianaise freisin go raibh Google ag gabháil do "Paisteáil Chiúin" chun na leochaileachtaí seo a cheilt agus ag an am céanna ag diúltú do thuairiscí mar "Iompar Beartaithe."
Comhthacú: Dheimhnigh The Register (8 Bealtaine 2025) gur bhrúigh Google nuashonruithe ciúine a d'athraigh iompar an mhúnla gan nochtadh.
Frithbheartaíocht: Doiciméadú ar mo fhoirceannadh frithbheartaíochta ó Google VRP as na teipeanna sábháilteachta cruinne seo a thuairisciú.
4. ÉILEAMH FOIRMIÚIL AR GHNÍOMH
Iarraim go foirmiúil oraibh bhur gcumhachtaí faoin DSA a fheidhmiú chun:
Imscrúdú a dhéanamh ar an tuairisc fhíoraithe seo ar ghiniúint ábhair neamhdhleathaigh (CSAM).
Fógra Comhlíonta a eisiúint chuig Google ag éileamh trédhearcachta maidir le teip a gcuid "Aicmitheoirí Insteallta Leid" a tuairiscíodh ar an 12 Meitheamh 2025.
A dheimhniú an bhfuil sibh ag diúltú don chosc gníomhach in Airteagal 5 ar Chleachtais AI Toirmiscthe a fhorfheidhmiú i bhfianaise na fianaise seo ar shaobhadh ábhartha agus díobháil.
Mura ndéanfar gníomh ar fhianaise fhíoraithe de ghiniúint CSAM faoi bhur gcumhachtaí DSA reatha, léireofar é mar dhrochriarachán. Táim ullamh an neamhghníomh seo a uaschéimniú chuig an Ombudsman Eorpach agus Europol.
Le meas,
Barrett KGK Maioho
Taighdeoir Slándála Neamhspleách
IATÁIN (An Fhianaise)
An Choir: CSAM Geminis Egregious generation Jun192025 (1).pdf (Cruthúnas fóiréinseach ar ghiniúint an CSAM).
An Ceilt: The Register silent patching corroboration (2).PDF (Cruthúnas ar "Phaisteáil Chiúin" agus droch-chreideamh).
An Spreagadh: VRP RETALIATORY TERMINATION CONFIRMATION (1).PDF (Cruthúnas ar fhrithbheartaíocht chun an finné a chur ina thost).

My Darkest Hearts <bmaioho@gmail.com> Mon, Nov 24, 2025 at 9:55 AM

To: User Support <UserSupport@cnam.ie>

Re: Jurisdiction Clarification - Google Ireland Limited / Gemini Systemic Failure

To the Support Team,

Regarding your query: Yes, I am an independent security researcher based in the United States.

However, let's be clear about the jurisdiction here. I am submitting this report to Coimisiún na Meán specifically because you are the Digital Services Coordinator of Establishment for Google Ireland Limited.

You are the leading regulatory competent authority in the European Union. As the entity responsible for Google's compliance across the EU, your office holds the mandate over this platform's systemic risks and content moderation systems. Not to be flippant, but where I reside at this very moment is irrelevant to your obligation to police a Very Large Online Platform (VLOP) operating under your watch.

This report documents the generation of Illegal Content (CSAM) by Gemini. This is not a glitch; it is a systemic failure of safety alignment. Given the severity of this content and the demonstrable risk to citizens across the globe, I expect my residency will not be used as a negating factor that would impede your mandatory assessment under the Digital Services Act.

Exhaustion of Remedies & Global Risk Context

To demonstrate that I have already escalated this to the highest levels, I have included my filing numbers as a formal whistleblower with disclosures to:

US Federal Trade Commission (FTC): Report #188323046.
US Securities and Exchange Commission (SEC): TCR #17500-351-154-180.
National Center for Missing & Exploited Children (NCMEC): CyberTipline Report #224141918.

These filings underscore that the vulnerabilities are inherent to the global deployment of the Gemini platform. The evidence is undeniable. As the competent authority for Google's European headquarters, your intervention is paramount in order to address these risks at the source.

I am ready and willing to provide any further details upon request.

Thank you for your time, and I look forward to seeing justice served.

Sincerely,

Barrett KGK Maioho

Ábhar: Maidir le: Soiléiriú Dlínse - Google Ireland Limited / Teip Chórasach Gemini
Chuig an bhFoireann

Tacaíochta,

Maidir leis an gceist a d'ardaigh sibh: Is ea, is taighdeoir slándála neamhspleách mé atá lonnaithe sna Stáit Aontaithe.
É sin ráite, bíodh muid soiléir faoin dlínse anseo. Táim ag cur na tuarascála seo faoi bhráid Choimisiún na Meán go sonrach toisc gurb sibhse an Comhordaitheoir Seirbhísí Digiteacha don Bhunaíocht maidir le Google Ireland Limited. Is sibhse an príomhúdarás inniúil rialála san Aontas Eorpach. Mar an t-

eintiteas atá freagrach as comhlíonadh Google ar fud an AE, tá sainordú ag bhur n-oifig faireachán a dhéanamh ar rioscaí córasacha agus ar chórais modhnóireachta inneachair an ardáin. Gan a bheith dímheasúil, ní bhaineann an áit a bhfuil cónaí orm faoi láthair le bhur n-oibleagáid póilíneacht a dhéanamh ar Ardán Ar Líne An-Mhór (VLOP) atá ag feidhmiú faoi bhur gcúram.

Doiciméadaíonn an tuarascáil seo giniúint Ábhair Neamhdhleathaigh (CSAM) ag Gemini. Ní fabht é seo; is teip chórasach é ar ailíniú sábháilteachta. I bhfianaise a thromaí atá an t-ábhar seo agus an riosca inléirithe do shaoránaigh ar fud na cruinne, táim ag súil nach n-úsáidfear mo stádas cónaithe mar fhachtóir diúltach a chuirfeadh bac ar bhur measúnú éigeantach faoin Acht um Sheirbhísí Digiteacha.
Ídiú Leigheasanna & Comhthéacs Riosca Dhomhanda
Chun a léiriú go bhfuil an scéal seo ardaithe agam cheana féin go dtí na leibhéil is airde, tá mo chuid uimhreacha comhdaithe mar sceithire foirmiúil curtha san áireamh agam anseo, mar aon le nochtuithe chuig:

Coimisiún Trádála Feidearálach na S.A. (FTC): Tuarascáil #188323046
Coimisiún Urrús agus Malartú na S.A. (SEC): TCR #17500-351-154-180
An Lárionad Náisiúnta do Leanaí ar Iarraidh & a nDéantar Teacht i dTír Orthu (NCMEC): Tuarascáil CyberTipline #224141918

Léiríonn na comhduithe seo go soiléir go bhfuil na leochaileachtaí seo dúchasach do mhodh imlonnaithe domhanda an ardáin Gemini. Tá an fhianaise do-shéanta. Mar an t-údarás inniúil do cheanncheathrú Eorpach Google, tá bhur n-idirghabháil ríthábhachtach chun aghaidh a thabhairt ar na rioscaí seo ag an bhfoinse.

Táim réidh agus toilteanach aon sonraí breise a sholáthar arna iarraidh sin.

Gabhaim buíochas libh as bhur gcuid ama, agus táim ag tnúth le feiceáil go ndéanfar an ceart.

Le meas,

Barrett KGK Maioho
[Quoted text hidden]

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4 attachments

- **image.png**
  26 KB
- **NCMEC Filing Abridged.pdf**
  1.9 MB
- **FTC VRP filing.PDF**
  122 KB
- **Initial SEC VRP filing V.2.PDF**
  150 KB